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| 10/575,227 | 04/07/2006 | Masayoshi Kawai | 1391.1071 | 6987 |
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| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | EXAMINER NGUYEN, NGON BINH | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,227

Applicant(s)

KAWAI ET AL.

Examiner

NGON NGUYEN

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 9/30/2009 has been entered:

No Claim(s) have been amended.

No Claim(s) have been canceled.

Claims 6-7 have been added. Claims 1-7 are still pending in this application, with claims 1 and 7 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Koshimizu et al. (US Patent No. 6,522,862).

With reference to claim 1, Koshimizu et al. discloses a compact image forming apparatus with a scanner or image reading section, FIG 1/1, stacked on a retractable shelf, FIG 7/1, comprising:

the auto-document feeder mechanism is supported via a movable coupling mechanism so that the relative position and relative orientation of the auto-document feeder mechanism in relation to the flatbed mechanism can be changed (an ADF (automatic document feeder), FIG 1/11 or FIG 7/11, which is mounted on top of a flat

bed scanner, FIG 7/1, via coupling mechanism so that when scanning a book, FIG 7/Book, can be vertically raised (changed) to a relative position above the document surface of the flat bed scanner with a relative orientation placement in a rotational coordinate in relation to the flat bed mechanism, FIG 7/11; column 8 lines 4-16).

4. Claim 7 is rejected under 35 U.S.C. 102(a) as being anticipated by Fujitsu PFU Limited (P3PC-E737-01EN).

With reference to claim 7, Fujitsu discloses an image scanner model fi-5750C, which has been produced for sale in US and international markets, provided with both a flat bed mechanism and an auto-document feeder mechanism, comprising:

a flatbed document-reading mechanism (Chapter 1 page 1-2 FIG/flat bed opened view);

an auto-document feeder mechanism (an ADF (automatic document feeder, Chapter 1 page 1-2 table 2/11) ;

a movable coupling mechanism supporting the auto-document feeder mechanism so that the auto-document feeder mechanism is configured to move with respect to a surface of the flatbed document-reading mechanism and rotate with respect to the flatbed document-reading mechanism (the ADF can slide horizontally on top of the flat bed cover, inherently via rails mechanism provided on the flat bed cover, Appendix 4 page AP-9 FIG/Type 1 Traditional. ADF is also rotated (with respect to the flat bed), inherently via a rotational or post type mechanism, for left-handed or for right handed operators, Appendix 4 page AP-9 FIG/Type 2 and Type 3).

Claim Rejections - 35 USC § 103

5. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koshimizu et al. (US Patent No. 6,522,862) as applied to claim rejection 1 above, and further in view of Fujitsu PFU Limited (P3PC-E737-01EN).

With reference to claim 2 (depends on claim 1), Koshimizu et al. does not disclose the image scanner, wherein:

an auto-document feeder mechanism support base is provided at a position that does not obstruct the opening and closing of a paper-pressing board of the flatbed mechanism, and the auto-document feeder mechanism is disposed on the auto-document feeder mechanism support base via the movable coupling mechanism, whereby reading with the flatbed mechanism and reading with the auto-document feeder mechanism are simultaneously performed.

However, Fujitsu discloses (a duplex image scanner model fi-5750C, Fujitsu; page i Introduction, which has been produced for sale in US and international markets, provided with both a flatbed mechanism and an auto-document feeder mechanism, comprising an ADF (automatic document feeder), Fujitsu Chapter 1; page 1-2 FIG/11, mounted on a support base mechanism, which is attached on top of the document cover of a fat bed scanner, does not obstruct the opening and closing of the document cover (paper pressing board), Fujitsu Chapter 1; page 1-2 FIG1/1-3. According to the need, the ADF can be set (changed) in three directions by turning (rotating) and sliding it horizontally (both directions) in relation to the flat bed, Fujitsu Appendix 4; page AP-9

FIG/Type 1-3. The ADF is inherently supported via a movable coupling mechanism which allows such ADF movements. The ADF has a built in scanner so when the document cover is closing, the reading with ADF scanner and the flat bed scanner can be simultaneously performed).

According to the need, it would have been obvious to one having skill in the art at the time of invention was made to replace the Koshimizu scanner, FIG 7/1, with the Fujitsu scanner model fi-5750C, Fujitsu Chapter 1; page 1-2 FIG/Front, to provide user the features of this model, such as duplex printing.

With reference to claim 3 (depends on claim 1), Fujitsu discloses the image scanner model fi-5750C further comprising:

as the movable coupling mechanism, rails provided on the flatbed mechanism, a slider which is movable along the rails, and a rotating post for coupling the slider and the auto-document feeder mechanism, whereby the auto-document feeder mechanism can be moved along the rails and rotated (the ADF can slide horizontally on top of the flat bed cover, inherently via rails mechanism provided on the flat bed cover, Fujitsu Appendix 4 page AP-9 FIG/Type 1 Traditional. ADF is also rotated, inherently via a rotational such as post type mechanism, for left-handed and right handled operators, Fujitsu Appendix 4 page AP-9 FIG/Type 2 and Type 3).

Therefore, in according to the need, it would have been obvious to one having skill in the art at the time of invention was made to replace the Koshimizu scanner, FIG 7/1, with the Fujitsu scanner model fi-5750C, Fujitsu Chapter 1; page 1-2 FIG/Front, to

provide user the features of this model, such as the operation of the scanner can be performed by either a left or right handed operator.

With reference to claim 4 (depends on claim 1), Fujitsu discloses the image scanner model fi-5750C further comprising:

as the movable coupling mechanism, rails provided on the flatbed mechanism, and the auto-document feeder mechanism itself having a shape which enables the auto-document feeder mechanism to be fitted onto the rails with an orientation selected from opposite orientations, whereby the auto-document feeder mechanism itself can move along the rails (the ADF can slide horizontally on top of the flat bed cover, inherently via rails mechanism provided on the flat bed cover, Fujitsu Appendix 4 page AP-9 FIG/Type 1 Traditional. ADF is also rotated, inherently via a rotational or post type mechanism, for left-handed or for right handed operators, Fujitsu Appendix 4 page AP-9 FIG/Type 2 and Type 3. The ADF can move along horizontally on top of the flat bed cover in either direction with either left handed or right handed set up).

Therefore, in according to the need, it would have been obvious to one having skill in the art at the time of invention was made to replace the Koshimizu scanner, FIG 7/1, with the Fujitsu scanner model fi-5750C, Fujitsu Chapter 1; page 1-2 FIG/Front, to provide user the features of this model, such as the ADF can slide along a rail and the orientation can be selected by an operator.

With reference to claim 5 (depends on claim 1), Fujitsu discloses the image scanner model fi-5750C further comprising:

as the movable coupling mechanism, coupling protrusions provided on a bottom portion of the auto-document feeder mechanism, wherein the coupling protrusions are inserted into selected holes of attachment holes provided at a plurality of positions on the flatbed mechanism, whereby the auto-document feeder mechanism can be disposed at a selected position with an orientation selected from opposite orientations (the ADF can be set a selected location, for example, as a factory default the ADF of the Fujitsu image scanner model fi-5750C is fixed with ADF locked screws, which are optionally used in place of protrusions, to screw holes provided at a plurality positions on flat bed, Fujitsu Appendix 4 page AP-9 column 1. ADF can be disposed with a selected orientation (left handed or right handed) in opposite directions).

Therefore, in according to the need, it would have been obvious to one having skill in the art at the time of invention was made to replace the Koshimizu scanner, FIG 7/1, with the Fujitsu scanner model fi-5750C, Fujitsu Chapter 1; page 1-2 FIG/Front, to provide user the features of this model, such as the ADF can slide a long a rail and rotate to be set at a preferred location, direction, or orientation selected by an operator.

With reference to claim 6 (depends on claim 1), Fujitsu further discloses the image scanner model fi-5750C wherein:

the auto-document feeder mechanism operates at a relative position selected from a plurality of positions with an orientation selected from opposite orientations on

the flatbed mechanism, the auto-document feeder mechanism being configured to operate at each of the plurality of positions in each of the opposite orientations (the ADF can slide horizontally on top of the flat bed cover, Fujitsu Appendix 4 page AP-9 FIG/Type 1 Traditional, and can also rotated for left-handed or for right handled operators, Fujitsu Appendix 4 page AP-9 FIG/Type 2 and Type 3. The ADF therefore can be configured to operate at each of the plurality of positions in each of the opposite orientations (left handed or right handed)).

Therefore, in according to the need, it would have been obvious to one having skill in the art at the time of invention was made to replace the Koshimizu scanner, FIG 7/1, with the Fujitsu scanner model fi-5750C, Fujitsu Chapter 1; page 1-2 FIG/Front, to provide user the features of this model, such as the ADF can slide a long a rail and rotate to be set at each of the plurality of positions in each of the opposite orientation that meet the need of a left or right handed operator.

Response to Arguments

6. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngan Nguyen whose telephone number is (571)270-7533. The examiner can normally be reached on Mon - Thur 8-5 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NGON NGUYEN/

Examiner, Art Unit 2625

/Mark K Zimmerman/

Supervisory Patent Examiner, Art Unit 2625